Misappropriation of Government Moneys - Investigation for fixing responsibility for -- Expeditious completion of -

GOVERNMENT OF MAHARASHTRA
General Administration Department,
Circular No. CDR-1077/1366/71-XI,
Mantralaya, Bombay 400 032, dated the 14th June 1977.

CIRCULAR

In its thirteenth report, the Public Accounts Committee, 1976-77 has pointed out that during the course of examination of various Departments, the Committee has noticed that the instructions issued in Government Circulars, General Administration Department No. CDR-1172/9418-D.I, dated the 6th September 1972 and No. CDR-1073/24668-D-I, dated the 8th November 1973 and Government Circular, Finance Department No. PAC-1373/XI(iii).F-2, dated the 6th April 1973, have been followed more in their breach than in their observance.

2. By and large the Committee noticed that (i) the Departments could not explain the reasons for the inordinate delay in holding departmental enquiries against the erring persons, (ii) the manner in which the arguments were advanced in a case had given a feeling to the Committee that some Officials in the Departments were trying to shield the offenders, and that (iii) in majority of the cases the Departments were not prompt or quick in initiating action against the supervising officers whose failure in proper discharge of duty might have contributed to misappropriation by the subordinate staff. The Committee further observed that the delay in taking action against the deliquent officers may embolden other staff also to indulge in surreptitious practices and eventually affect the morale of the service in general. Some of the instances of delayed action noticed by the Committee are mentioned in paras 11.2 to 11.7 of the Report.

3. The Committee had made several recommendations in the past. In para 26 of its twelfth report of 1971, the Committee had emphasised the need for half yearly review of the misappropriation cases by the Heads of Departments/Departmental Secretaries and desired that the Departmental proceedings should be launched very quickly. Inspite of these recommendations and instructions issued in Government Circulars mentioned above, not much progress has been made to settle 395 cases of misappropriation involving Rs. 38.36 lakhs and outstanding till September 1973.

4. Government considers this position very unsatisfactory and is pleased to direct that (i) in such cases, if the preliminary investigation establishes that a particular person has misappropriated the money, the person should in the first instance be called upon to pay the amount and the amount should be recovered from him, if necessary by deductions from his pay, if he agrees to refund the amount. In case, however, he does not agree to refund the amount, no such recovery can be made and the usual procedure of departmental action and/or prosecution should be followed and finalised quickly; (ii) when any misappropriation of Government money or loss to Government is detected, investigation for fixing the responsibility on the supervisory officers for slack supervision over the staff handling the Government money and/or failure to

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observe the rules/orders and instructions of Government thereby facilitating misappropriation of Government money should be completed within two months as per the instructions issued in Government Circular, General Administration Department No. CDR-1873/2463-D.I, dated the 8th November 1973, and if there is a prima-facie case of lack of supervision, negligence or failure to observe rules/orders/instructions thereby facilitating mis-appropriation or loss to Government, departmental proceedings should be initiated against the supervisory officers simultaneously with the initiation of proceedings whether departmental or criminal against the person directly responsible for the misappropriation or loss to Government; and (iii) the Departments should take review of the pending cases of misappropriation and finalise the cases quickly. Responsibility should also be fixed on supervisory officers and investigating officers for delay in action and finalisation of the cases beyond the stipulated dates.

By order and in the name of the Governor of Maharashtra,

D.S. TELANG,
Deputy Secretary to Government.

To,

The Secretary to the Governor,
The Secretary to the Chief Minister,
The Accountant General, Maharashtra I, Bombay,
The Accountant General, Maharashtra II, Nagpur,
The Secretary, Maharashtra Public Service Commission, Bombay
All other Heads of the Departments/Offices under the several Departments of the Mantralaya,
All Departments of the Mantralaya.

No. of 1977.

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